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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16964 of 2022

Balamurugan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sedapatty Police Station,
Madurai District.
Crime No.50 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ajmalkhan S.A.,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.50 of 2022 on the file of the Respondent Police.

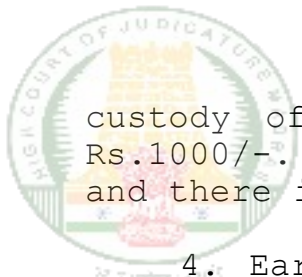
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 03.04.022 in Crime No.50 of 2022 for the offence under Sections 8(c) r/w. 20(b) (ii) (C) , 29(1) of NDPS Act on the file of the respondent police seeks bail.

2. The case of the prosecution is that based on the secret information received by the Police party, the respondent police conducted raid at Peraiyur - Usilampatti road in Alligundam, on seeing the police party the petitioner attempted to run away, the respondent police nabbed and enquired the petitioner about the two white bags. Where, the petitioner found in possession of 20 Kgs of ganja.

3. The learned counsel for the petitioner submitted that the petitioner only voluntarily came and confessed that the two bags were given by Mokkalai @ Karikalai and Pothiraj gave the bags for the

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custody of two days and for the custody they promised Rs.1000/-. He would further submit that the petitioner is a farmer and there is no previous case is pending against him.

4. Earlier application filed by the petitioner was dismissed, on the ground that the contraband involved in this case is 20 Kgs, which is commercial quantity and Section 37 NDPS Act was not complied with. This is the second bail application filed on the ground that except confession statement of the co-accused, no other ground is available to support the prosecution case. Apart from that it is the contention of the learned counsel for the petitioner that the petitioner is in judicial custody for 280 days.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that the recovery was made from the first accused and also would submit that the investigation has been completed and the final report has also been filed before the concerned Court, it shows that all the three accused persons jointly doing Ganja trading and they stored 41 Kgs of Ganja in their Thoppu.

6. According to the learned Additional Public Prosecutor appearing for the respondent police, recovery has been made from the property, which belongs to this petitioner and he has not satisfactorily explained the possession and discharged his duty under Section 37 NDPS Act.

7. On perusal of first information report shows that this petitioner was present in the place of occurrence along with Ganja. So, the contention of the petitioner that he was implicated on the basis of the confession statement of the co-accused, is not at all correct.

8. Since the final report has been filed before the concerned Court, the petitioner shall revive his bail petition before the concerned Court during the course of trial. I find no change of circumstance, so this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is **dismissed**.

sd/-

27/10/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

2 THE INSPECTOR OF POLICE
SEDAPATTY POLICE STATION, MADURAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16964 of 2022

Date :27/10/2022

TTA

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